

1 BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

2 IN MEDICINE AND SURGERY

3 IN THE MATTER OF:

4 **MARK GRISWOLD, D.O.**  
Holder of License No. 2799

5 For the practice of osteopathic medicine in the  
6 State of Arizona

) Case No.: 3928 (3728 *sic*)  
) TERMINATION OF  
) CONSENT AGREEMENT FOR  
) FINDINGS OF FACT, CONCLUSIONS  
) OF LAW AND PROBATIONARY ORDER  
)

7 IT IS HEREBY ORDERED that the Consent Agreement for Findings of Fact,  
8 Conclusions of Law and Probationary Order in case 3728, *sic*, effective January 30, 2008 has  
9 been terminated, effective May 21, 2011. This Termination Order also corrects the  
10 typographical error in the caption on the original Consent Agreement, to show correctly this  
11 matter is Case No. 3928 in the records of the Board of Osteopathic Examiners.  
12

13 ISSUED THIS 23rd<sup>H</sup> DAY OF MAY, 2011.

14 STATE OF ARIZONA  
15 BOARD OF OSTEOPATHIC EXAMINERS IN  
16 MEDICINE AND SURGERY



17 By: \_\_\_\_\_

  
Elaine LeTarte, Executive Director

19 Original filed this 23rd day of May, 2011 with the:

20 Arizona Board of Osteopathic Examiners in Medicine and Surgery  
21 9535 East Doubletree Ranch Road  
22 Scottsdale AZ 85258-5539

23 Copy of the foregoing sent by regular mail  
this 23<sup>rd</sup> day May, 2011 to:

24 Mark Griswold, D.O.  
Address of record

25 

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2                   **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
3                   **IN MEDICINE AND SURGERY**

4                   IN THE MATTER OF:

5                   **MARK L. GRISWOLD, D.O.**  
6                   Holder of License No. **2799**

7                   For the practice of osteopathic  
8                   medicine in the State of Arizona,

Case No. 3728

9  
10                  **CONSENT AGREEMENT FOR**  
11                  **FINDINGS OF FACT,**  
12                  **CONCLUSIONS OF LAW AND**  
13                  **PROBATIONARY ORDER**

14                  By mutual agreement and understanding, the Arizona Board of Osteopathic  
15                  Examiners (hereinafter "Board") and Mark L. Griswold, D.O. (hereinafter  
16                  "Respondent"), the parties hereto, agree to the following disposition to this  
17                  matter.

18                  1. Respondent acknowledges that he has read this Consent Agreement  
19                  and Order; and, Respondent is aware of and understands the contents of these  
20                  documents.

21                  2. Respondent understands that by entering into this Consent Agreement  
22                  and Order, he voluntarily relinquishes any rights to a hearing on the matters  
23                  alleged as grounds for Board action or to seek judicial review of the Consent  
24                  Agreement and Order in state or federal court.

25                  3. Respondent understands that this Consent Agreement and Order will  
not become effective unless approved by the Board and signed by its Executive  
Director.

26                  4. Respondent further understands that this Consent Agreement and  
27                  Order, once approved and signed, shall constitute a public record which will be  
28                  disseminated as a formal action of the Board.

1       5. Respondent admits to the statement of facts and conclusions of law  
2 contained in this Consent Agreement and Order.

3       6. All admissions made by Respondent are solely for final disposition of  
4 this matter and any subsequent administrative proceedings or litigation involving  
5 the Board, Respondent and the State of Arizona; and, therefore, said admissions  
6 by Respondent are not intended for any other purpose or administrative  
7 regulatory proceeding or litigation in another state or federal court.

8        7. Respondent acknowledges and agrees that upon signing and returning  
9 this document (or a copy thereof) to the Board's Executive Director, he may not  
10 later revoke or amend any part of the Consent Agreement and Order, without first  
11 obtaining Board approval.

REVIEWED AND ACCEPTED THIS 10 DAY OF JANUARY, 2008.

*Mark Brown*

**Mark L. Griswold, D.O., Respondent**

17 REVIEWED AND APPROVED AS TO FORM THIS 19 DAY OF JANUARY,  
18 2008.

James W. Stuehringer, Attorney for Respondent

## **JURISDICTIONAL STATEMENTS**

23       1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq., to  
24 regulate the licensing and practice of osteopathic medicine in Arizona.  
25 . . .

1       2. The Board has the authority to informally dispose of matters by  
2 stipulation, agreed settlement, consent order or default pursuant to A.R.S. § 41-  
3 1092.05(F)(5).

## **FINDINGS OF FACT**

5       1. In August 2007, the Board staff received information from the United  
6 States Drug Enforcement Administration that the office that the Respondent  
7 owned and operated had ordered a large amount of narcotic medications for  
8 dispensing purposes.

9        2. A routine check of Board records indicated that the Respondent was  
10 not registered to dispense medication from his office.

11       3. On August 7, 2007 the Board ordered the Respondent to complete a  
12 bodily fluid test at Southwest Laboratory.

13       4. On August 8, 2007, Southwest Laboratory reported that the  
14 Respondent tested positive for the following: Benzodiazepines; Cocaine  
15 Metabolite; Meperidine; Opiates; Normeperidine and Hydrocodone.

16        5. Subsequently, the Respondent admitted to the Board's Executive  
17 Director and Investigator that he was diverting controlled substances for his  
18 personal use.

19       6. Pursuant to an Order of the Board, the Respondent entered and  
20 successfully completed a 90 day inpatient treatment program at the Betty Ford  
21 Center in Rancho Mirage California and was discharged November 10, 2007.

22        7. The discharge summary written by Dr. Haroutunian of the Betty Ford  
23 Center concluded that "the multi-disciplinary treatment team, counselors, case  
24 managers and I have found no reason why Dr. Griswold cannot return to practice  
25 as soon as is agreeable to the Arizona Diversion Board and monitoring program."

1       8. Respondent returned to Tucson November 10, 2007. Since his return,  
2 he has attended A.A. meetings daily. Respondent has provided the Board with  
3 the log of his A.A. meetings signed by the chairperson of those meetings.

4       9. Since his discharge from the Betty Ford Center, Respondent has come  
5 under the care of Michael A. Sucher, M.D. who he sees or speaks with regularly.  
6 Dr. Sucher oversees his post treatment supervision and random urinanalysis. Dr.  
7 Sucher has prepared, and Respondent has agreed to, a Recovery Monitoring  
8 Agreement dated November 16, 2007, a copy of which has been provided to the  
9 Board.

10      10. Respondent and his wife returned to the Betty Ford Center to  
11 participate in an optional session known as the Relationship Enhancement  
12 Workshop. Their attendance was from November 30, 2007, to December 2, 2007.

13      11. Respondent continues in ongoing treatment and care with his  
14 psychiatrist Vicki Berkus, M.D., who has provided the Board with a status report  
15 dated December 7, 2007.

16      12. By way of letter dated December 12, 2007, Dr. Sucher has provided  
17 an update on Respondent's compliance with aftercare requirements. He concludes  
18 "Dr. Griswold has been fully compliant with all program requirements. All drug  
19 screens have been negative. His prognosis for ongoing recovery is excellent.  
20 There are no safety issues regarding his practice of medicine". Dr. Sucher's letter  
21 has been given to the Board.

22      13. Respondent has also come under the care of Brian J. Walker, PhD.,  
23 who is a licensed psychologist. Dr. Walker has prepared a report dated January  
24 16, 2008, which has been given to the Board. His report concludes:  
25 . . .

1           In my opinion, Dr Griswold is genuinely committed to  
2           sobriety and to his various treatment activities. He is  
3           remorseful for his struggles with addiction, and he is  
4           highly motivated to overcoming them. In my opinion, his  
         prognosis is very good, especially given his extensive  
         aftercare program and his strict compliance with all  
         aspects of it.

5           **CONCLUSIONS OF LAW**

6         1. Pursuant to A.R.S. § 32-1800, *et seq.* the Arizona Board of  
7           Osteopathic Examiners in Medicine and Surgery has subject matter and personal  
8           jurisdiction in this matter.

9         2. The conduct and circumstances described in paragraphs 4 and 5  
10          above constitute unprofessional conduct as defined in the following paragraphs  
11          of A.R.S. § 32-1854:

12           (3) Practicing medicine while under the influence of alcohol,  
13           narcotic or hypnotic drugs or any substance that impairs or  
14           may impair the licensee's ability to safely and skillfully practice  
15           medicine.

16           (5) Prescribing, dispensing or administering controlled substances  
17           or prescription only drugs for other than accepted therapeutic  
18           purposes.

19           (22) Using controlled substances or prescription-only drugs unless  
20           they are provided by a medical practitioner, as defined in  
21           section 32-1901, as part of a lawful course of treatment.

22           (23) Any conduct or practice that impairs the licensee's ability to  
23           safely and skillfully practice medicine or that may reasonably be  
24           expected to do so.

25           . . .

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**ORDER**

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**NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:**

3 Pursuant to A.R.S. §§ 32-1855(C) and 41-1064(C), License No. 2799 held  
4 by MARK L. GRISWOLD, D.O., ("Respondent") shall be placed on PROBATION for  
5 5 years from the date of this order with the following terms and conditions of  
6 probation as set forth herein.

7       1. Respondent, having successfully completed an in-patient evaluation  
8 and in-patient treatment program at Betty Ford Center and having adhered to all  
9 recommendations of his evaluators following discharge from that program, is  
10 hereby ordered to appear before the Board prior to practicing medicine in the  
11 State of Arizona to answer any questions to the Board's satisfaction.

12      2. Respondent, having come under the care of Dr. Sucher and having in  
13 consultation with him developed a plan for after care treatment and monitoring  
14 which includes individual and/or group counseling sessions, random bodily fluid  
15 testing, an agreement for release of treatment records and reports to the Board,  
16 and prohibition of the use of alcohol and controlled substances unless the latter  
17 is prescribed or coordinated by his treating physician, is hereby ordered to appear  
18 before the Board to answer any questions to the Board's satisfaction.

19      3. From the date of this Order, Respondent shall obtain psychiatric or  
20 psychological treatment by a therapist(s) who is either a licensed psychiatrist  
21 and/or psychologist and is selected by Respondent and approved by the Board.  
22 Respondent shall comply with the therapist recommendation for the frequency of  
23 therapy treatment sessions. Respondent shall inform the Board by letter (mailed  
24 within ten days of the date of this Order) of the therapist's name; and,  
25 Respondent shall undertake and fully cooperate with a program of treatment

1 established by the therapist. In the event Respondent changes therapists, he  
2 shall give the Board written notice within ten (10) days of said action.  
3 Respondent shall not discontinue or reduce the frequency of psychotherapy  
4 sessions until he has submitted a written request to the Board and obtained Board  
5 approval.

6       4. Respondent's therapist(s) shall receive a copy of this Order and Board  
7 staff shall cooperate with and disclose all relevant information in the Board's files  
8 concerning Respondent. The treating therapist shall be directed by Respondent  
9 to send to the Board a detailed written progress report every month for the  
10 remainder of the probation; and Respondent, shall waive any confidentiality  
11 concerning his psychotherapy in order that the Board may receive full disclosure  
12 of information. The expense of the aforementioned therapy and the reports to the  
13 Board by Respondent's therapist shall be the sole responsibility of the  
14 Respondent.

15       5. Respondent shall provide a copy of this Order and any subsequent  
16 Orders to all facilities where Respondent is currently (or subsequently) employed  
17 as a physician and/or has (or subsequently receives) privileges to engage in the  
18 practice of medicine. Respondent shall provide a copy of this Order to all treating  
19 physicians, dentists and/or health care professionals. Respondent shall continue  
20 to make the aforementioned disclosure and provide copies of this Consent Order  
21 until the expiration of this Order.

22       6. Respondent may have his license to practice as an osteopathic  
23 physician restricted, suspended or revoked by the Board in the future if:

24             (a) The Board finds that Respondent does not have the requisite  
25 mental, physical and emotional fitness to safely continue the practice of medicine;

1 or,

2                   (b) There are new grounds for finding unprofessional conduct  
3 concerning Respondent; or,

4                   (c) Respondent fails to comply fully with the terms and conditions  
5 of this Order.

6                 7. Respondent shall abstain completely from the consumption of  
7 alcoholic beverages or any substance with alcohol (i.e., mouth wash, cough  
8 syrups); and, Respondent shall not consume illicit drugs or take any controlled  
9 substances (i.e., prescription only drugs), unless his treating physician prescribed  
10 such medication for him with the awareness that Respondent has a substance  
11 abuse disorder. Respondent shall maintain a monthly log (for the duration of  
12 probation) of all prescription only drugs taken by him and such log shall include  
13 the following information:

- 14                 (a) the name of the medication;  
15                 (b) name of prescribing physician;  
16                 (c) reason for the medication.

17                 8. At the first of each month, Respondent shall report by letter to the  
18 Board whether or not he is taking any prescription only medication and, if so, a  
19 copy of his log reflecting the above information.

20                 9. Respondent shall also, as part of his probation: (a) submit to and  
21 cooperate in any independent medical or psychological evaluation that is ordered  
22 by the Board for Respondent and conducted by the Board's designated physician  
23 and/or psychologist which shall be paid for by Respondent; and (b) appear before  
24 the Board, upon receipt of a request by written or telephonic notification from the  
25 Board's executive director which shall be given at least five (5) days prior to the

1 Board meeting; and, (c) submit to random biological fluid testing and promptly  
2 provide (i.e., within sixty (60) minutes of notification) required biological fluids for  
3 testing and said testing shall be done at the Respondent's expense.

4       10. Respondent shall participate in 90 meetings in 90 days following his  
5 November 10, 2007, discharge from the Betty Ford Center and then attend a  
6 minimum of three (3) self-help meetings per week through such organizations as  
7 A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all  
8 meetings attended and have the log signed by the chairperson of the meeting.  
9 Respondent will provide the Board with a copy of the signed log the first of every  
10 month.

11       11. In the event Respondent moves and ceases to practice medicine in  
12 Arizona, he shall give written notice to the Board of his new residence address  
13 within twenty (20) days of moving; and, the terms and duration of probation may  
14 be stayed by the Board until Respondent returns to practice medicine in Arizona.

15       12. Respondent shall reimburse the Board for all expenses associated with  
16 the continued monitoring of this matter.

17       13. Respondent shall continue to meet all licensing requirements such as  
18 continuing medical education and renewal requirements including applicable fees  
19 pursuant to A.R.S. § 32-1825.

20       14. The Board's Executive Director shall send correspondence to the  
21 appropriate state and/or federal law enforcement agency disclosing information  
22 in the Board's possession which may establish criminal misconduct by  
23 Respondent, i.e., illicit use of controlled substances.

24       15. Respondent's failure to comply with the requirements of this Order  
25 shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as

1 amended, and may be considered as grounds for further disciplinary action (e.g.,  
2 suspension or revocation of license) in the event that Respondent fails to comply  
3 with any of the requirements of this Order.



4 ISSUED THIS 30<sup>th</sup> DAY OF JANUARY, 2008.  
5

6 STATE OF ARIZONA  
7 BOARD OF OSTEOPATHIC EXAMINERS IN  
8 MEDICINE AND SURGERY

9 By \_\_\_\_\_

10 Jack Confer, Executive Director

11 Original "Consent Agreement to  
Findings of Fact, Conclusions of Law,  
and Probationary Order" filed this 30<sup>th</sup>  
day of January, 2008, with the:

12 Arizona Board of Osteopathic Examiners  
13 In Medicine and Surgery  
9535 E. Doubletree Ranch Road  
14 Scottsdale, AZ 85258-5539

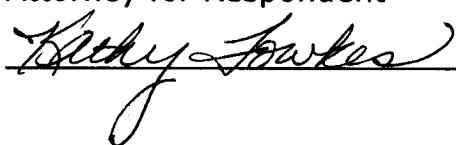
15 Copy of the foregoing "Consent Agreement to  
Findings of Fact, Conclusions of Law,  
and Probationary Order" sent via certified, return  
receipt requested this 30<sup>th</sup> day of January,  
16 2008, to:

17 18 Mark L. Griswold, D.O.  
Griswold Eye Clinic  
19 1521 E. Tangerine Road, Suite 301  
Oro Valley, AZ 85737

20 Copies of the foregoing "Consent Agreement to  
Findings of Fact, Conclusions of Law, and  
Probationary Order" sent via regular mail this  
21 30<sup>th</sup> day of January, 2008, to:

22 23 Blair Driggs, AAG  
Office of the Attorney General CIV/LES  
24 1275 W. Washington  
Phoenix, AZ 85007

1 James W. Stuehringer, Esq.  
2 Waterfall, Economidis, Caldwell,  
3 Hanshaw & Villamana, P.C.  
4 5210 E. Williams Circle, Ste. 800  
5 Tucson, AZ 85711  
6 Attorney for Respondent

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